IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 66 of 2005 (M/B)

Ramesh Chandra S/o Dori Lal,
R/o Meera Marg, Haldwani,
District Nainital. ……. Petitioner

Versus

1. State of Uttaranchal,
Through the District Magistrate,
Nainital.

2. Executive Officer,
Nagar Palika Parishad,
Haldwani-Kathgodam,
District-Nainital. ……. Respondents

Mr. K.N. Joshi, Advocate for the petitioner.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondent No.1.
Mr. S.S. Chaudhary, Advocate on behalf of Mr. Ashish Joshi, Advocate for respondents No. 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. K.N. Joshi, Advocate for the petitioner.

Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondent No.1.

Mr. S.S. Chaudhary, Advocate on behalf of Mr. Ashish Joshi, Advocate for respondent No. 2.

They are heard on admission.

2. The petitioner has filed this writ petition for the following reliefs:

> "i. Issue a writ order or direction in the nature of certiorari to quash the impugned order dated 3.12.2004 passed by the respondent no.2 and the order dated 17.8.2004 which was mentioned in the order dated 3.12.2004.

ii. Issue a writ order or direction in the nature of mandamus directing the respondent to give permission to the petitioner to deposit the 75% of amount in accordance with the Govt. Order dated 1.12.1988 for getting the land free hold.

iii. Issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

iv. Award the cost of petition.

3. A bare perusal of the impugned order (Annexure No.6) reveals that the petitioner's application for converting the leasehold nazul land into a freehold land was dismissed by District Magistrate, Nainital vide order dated 01.05.2004, as the shortcomings in the application were not rectified by the petitioner.

4. Admittedly, the petitioner's application for converting the leasehold land into a freehold land has been dismissed vide order dated 01.05.2004. For the reasons best known to the petitioner, the said order dated 01.05.2004 has not been challenged by the petitioner before any forum. The impugned order dated 03.12.2004 is only a consequential order of the order dated 01.05.2004.

5. In the absence of any challenge to the order dated 01.05.2004, the reliefs sought by the petitioner in the writ petition cannot legally be granted.

6. The writ petition, therefore, is liable to be dismissed and is, hereby, dismissed.

7. Consequently, the interim order dated 19.01.2005 stands vacated automatically.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**

26.06.2006 26.06.2006

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